

WILSON EARL LOVE,)	
)	
Plaintiff,)	Case No.: 2:20-cv-00441-GMN-NJK
vs.)	
)	ORDER
STATE OF NEVADA,)	
)	
Defendant.)	
)	

Also pending before the Court is Plaintiff's Motion to Amend or Correct, (ECF No. 13), his Motion for Reconsideration, (ECF No. 11), regarding the Magistrate Judge's R&R, (ECF No. 8). The Magistrate Judge denied the Motion for Reconsideration, (ECF No. 12). Defendant did not file a response.

Plaintiff commenced this action by filing his Complaint and Motion/Application for Leave to Proceed *in forma pauperis* (“IFP”). (See Mot./App. Leave Proceed IFP, ECF No. 1); (Compl., Ex. 1 to Mot./App. Leave Proceed IFP, ECF No. 1-1). The Court granted Plaintiff’s IFP Application but dismissed the Complaint with leave to amend for failure to state a claim. (See Order, ECF No. 4). Plaintiff then filed successive Amended Complaints, (ECF Nos. 6–7). The Magistrate Judge recommends dismissal of the operative Amended Complaint because it appears to challenge Plaintiff’s state-court conviction, but the Court does not have jurisdiction

1 to hear the challenge. (*See* R&R 1:16–2:9, ECF No. 8). In his Objection, Plaintiff does not
2 address the Court’s jurisdiction over his case, but he instead reiterates his frustration with the
3 state tribunal. (*See* Obj. at 1–2, ECF No. 10).

4 A party may file specific written objections to the findings and recommendations of a
5 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
6 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo
7 determination of those portions to which objections are made. *Id.* The Court may accept, reject,
8 or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.
9 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is
10 not required to conduct “any review at all . . . of any issue that is not the subject of an
11 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized
12 that a district court is not required to review a magistrate judge’s report and recommendation
13 where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114,
14 1122 (9th Cir. 2003).

15 Here, Plaintiff has not objected to a particular finding of the Magistrate Judge regarding
16 the Court’s lack of jurisdiction. Even if Plaintiff had so objected, the Court finds that it lacks
17 jurisdiction over Plaintiff’s collateral attack on his state court conviction. *See, e.g., Bianchi v.*
18 *Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003). Accordingly, the Court adopts the R&R.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 8), is
3 **ACCEPTED AND ADOPTED in full.**

4 **IT IS FURTHER ORDERED** that Plaintiff's Objection, (ECF No. 10), is **DENIED.**

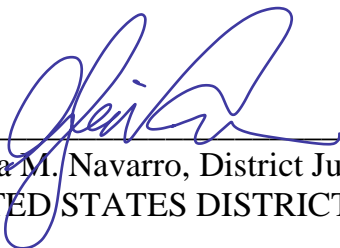
5 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Amend/Correct, (ECF No. 13),
6 is **DENIED as moot.**

7 **IT IS FURTHER ORDERED** that the case is **DISMISSED without prejudice.**

8 The Clerk of Court shall close the case and enter judgment accordingly.

9 Dated this 7 day of December, 2020.

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Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT